



June 1, 2009

Ms. Jenny Small  
Judicial Watch  
501 School Street, SW Ste. 500  
Washington, DC 20024

Re: Your Freedom of Information Act Request  
CNCS # 2009-32

Dear Ms. Small,

This letter is written in response to your Freedom of Information Act (FOIA) request requesting information on records pertaining to the Generations Invigorating Volunteerism and Education (GIVE) Act and/or Edward M. Kennedy Serve America Act, and Association for Community Organizations for Reform Now (ACORN) and/or Citizen's Counseling Inc.

I directed a search be conducted of the Corporation office which I, as the Corporation FOIA Disclosure Officer, believed would have the best chance of locating any documents relative to your request for our agency. The result of this search produced the following 17 documents. No FOIA exemptions were applied and there is no cost for providing this disk to you.

If you have any questions, please feel free to contact me at (202) 606-6671.

Sincerely,

A handwritten signature in black ink, appearing to read "Austin A. Holland".

Austin A. Holland, Corporation FOIA/PA Officer



1201 New York Avenue, NW ★ Washington, DC 20525  
202-606-5000 ★ [www.nationalservice.org](http://www.nationalservice.org)

Senior Corps ★ AmeriCorps ★ Learn and Serve America





**Trinity, Frank**

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**From:** Trinity, Frank  
**Sent:** Saturday, March 21, 2009 5:04 PM  
**To:** Ceja, Alejandra  
**Cc:** Monje, Carlos A.  
**Subject:** MTR

**Why the Motion to Recommit Amendment is Bad Law**

The Amendment has three sections, one of which would disqualify every organization that currently participates in the AmeriCorps program, and one of which would prevent AmeriCorps programs from responding to disasters.

**Part one** of the Amendment would put into statute the prohibitions on certain activities, like political events, that are currently in effect by regulation. However, it does not make clear that individuals are free to participate in the political process as private citizens when off-duty.

**Part two** of the Amendment would bar from AmeriCorps any organization that engages in “political or legislative advocacy.” In the United States, engaging in political or legislative advocacy is our constitutional right as citizens, and something that virtually all of do as citizens. The scope of this Amendment is breathtaking: With a few words, Habitat for Humanity, the University of Notre Dame, Boys and Girls Clubs of America, and countless other organizations are banned from participating in AmeriCorps.

But Part two of the Amendment doesn't stop there. It bans organizations from AmeriCorps if they so much as “co-locate on the same premises” with an organization that engages in political or legislative advocacy. This is worse even than guilt by association – it's guilt by having the same landlord. Imagine a tenant on the fourth floor of a building punished for something a tenant on the second floor did. And the co-location approach would set a very bad precedent for faith-based organizations that lend their church basements to community programs supported by Federal dollars. For example, an after-school program for at-risk kids conducted in a church basement is currently permitted, but would be vulnerable to this sort of “guilt by co-location” language.

The Amendment's focus on what an organization does independent of its AmeriCorps grant is deeply disturbing and would have profoundly chilling effects on faith-based organizations who lend their time and treasure to help the neediest in their communities. The precedent set by the Amendment would give the Government cause to look through the books of any faith-based organization that participates in a Federal grant program. Disqualifying organizations on the basis of who they are rather than how they use Federal funds would set a dangerous precedent, and would be particularly offensive to faith-based organizations.

**Part three** of the Amendment goes well beyond any appropriate limit on displacement or supplantation, which are already in statute, to ban national service participants from activities which “would otherwise be performed” by a volunteer. How would that enforced, or even understood, in an all-out response to a disaster like Hurricane Katrina, when national service participants mucked out houses alongside community volunteers. The Amendment would set up an artificial dividing line to keep national service participants away when they are needed most.

## ACORN

- The ACORN matter occurred in the program's first year and was immediately addressed by the Corporation, acting closely with its Inspector General.
- ACORN Housing, an affiliate of ACORN was funded by CNCS in 1994/1995. ACORN Housing was accused of using the funds for protests. CNCS immediately began an investigation. Following an issuance of subpoenas by CNS's Inspector General, CNS and ACORN Housing agreed to stop the AmeriCorps grant. CNCS later recovered more than \$16,000 of funds that were improperly spent.

## ABORTION

- The Corporation complies with government wide restrictions on the use of Federal funds for abortion.
- The Amendment is trying to conjure up something out of nothing. Don't turn a bill that is about bringing Americans together into something that is gratuitously divisive.

## Summary

- There are already a plethora of statutory and regulatory rules against misusing CNS funds for labor organizing, lobbying, voter registration, religious proselytizing etc.
- The Corporation has a strong track record of enforcing any violations by suspending and terminating grants, recovering misused funds, imposing financial penalties, debarring individuals, and working with the Inspector General and U.S. Attorneys on civil and criminal cases.
- Just last September, for example, based on information provided by the Inspector General, the Corporation suspended two individuals and an organization in connection with their having directed AmeriCorps members to engage in prohibited activities. The suspension remains in effect today.

**Trinity, Frank**

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**From:** Trinity, Frank  
**Sent:** Saturday, March 21, 2009 7:20 PM  
**To:** Vadehra, Emma (HELP Committee); McSwain, Kristin  
**Subject:** RE: acorn

Kristin can correct but our review showed that a small number of individuals (2-3?) served at ACORN sites through the Education Award Program in the past few years, as a site of American Humanics, I believe.

ACORN hasn't been a grantee since at least 1997. The grant that was terminated in 1995 was to ACORN Housing Corporation, an affiliate of ACORN.

-----Original Message-----

**From:** Vadehra, Emma (HELP Committee) [mailto:Emma\_Vadehra@help.senate.gov]  
**Sent:** Sat 3/21/2009 6:55 PM  
**To:** McSwain, Kristin; Trinity, Frank  
**Cc:**  
**Subject:** acorn

Kristin, you verified that acorn last received money in 1997, right? I'm pretty sure you did but can't find the email.

Thanks,

Emma



All best,

Chris Campbell  
Legislative Director  
Office of Senator Orrin Hatch  
104 Hart Senate Building  
Washington, DC 20510  
P: (202) 224-5251  
F: (202) 224-6331  
E: [chris\\_campbell@hatch.senate.gov](mailto:chris_campbell@hatch.senate.gov)

CONFIDENTIALITY NOTE:

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

Thank you.

5/26/2009

**Trinity, Frank**

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**From:** Vadehra, Emma (HELP Committee) [Emma\_Vadehra@help.senate.gov]  
**Sent:** Saturday, March 21, 2009 8:34 PM  
**To:** McSwain, Kristin; Trinity, Frank  
**Subject:** RE: acorn

Thanks.

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**From:** McSwain, Kristin [mailto:KMcSwain@cns.gov]  
**Sent:** Saturday, March 21, 2009 8:30 PM  
**To:** Trinity, Frank; Vadehra, Emma (HELP Committee)  
**Subject:** Re: acorn

I did. Even the placement of a member at a host site ended in 97.  
Sent from my blackberry.

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**From:** Trinity, Frank  
**To:** Vadehra, Emma (HELP Committee) <Emma\_Vadehra@help.senate.gov>; McSwain, Kristin  
**Sent:** Sat Mar 21 19:20:00 2009  
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Emma

5/24/2009



**Trinity, Frank**

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**From:** Trinity, Frank  
**Sent:** Saturday, March 21, 2009 4:52 PM  
**To:** Monje, Carlos A.  
**Subject:** TPs for Alex on MTR -- ok if I send to Alex?

### **Why the Motion to Recommit Amendment is Bad Law**

The Amendment has three sections, one of which would disqualify every organization that currently participates in the AmeriCorps program, and one of which would prevent AmeriCorps programs from responding to disasters.

**Part one** of the Amendment would put into statute the prohibitions on certain activities, like political events, that are currently in effect by regulation. That is an appropriate amendment.

**Part two** of the Amendment would bar from AmeriCorps any organization that engages in “political or legislative advocacy.” In the United States, engaging in political or legislative advocacy is our constitutional right as citizens, and something that virtually all of do as citizens. The scope of this Amendment is breathtaking: With a few words, Habitat for Humanity, the University of Notre Dame, Boys and Girls Clubs of America, and countless other organizations are banned from participating in AmeriCorps.

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**Trinity, Frank**

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**From:** Briddell, Adam (HELP Committee) [Adam\_Briddell@help.senate.gov]  
**Sent:** Thursday, March 19, 2009 11:49 AM  
**To:** Trinity, Frank  
**Subject:** ACORN

Can you send me some bullets/facts on how/why ACORN isn't / can't get national service dollars? Can't believe this has blown up...



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Sent from my BlackBerry Wireless Handheld



**Trinity, Frank**

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**From:** Hilton, Doug  
**Sent:** Thursday, March 19, 2009 1:41 PM  
**To:** Trinity, Frank  
**Subject:** ACORN Housing  
**Attachments:** ACORN Housingv2.doc

Summary: The initial allegations of misuse of Corporation grant funds were baseless. However, through the prompt, diligent and thorough actions of the Corporation' OIG and the Corporation, a new hotline complaint was received, quickly acted on, and the award was terminated. The federal funds claimed by ACORN Housing were audited, and they repaid the full amount that the Corporation determined was not supported by adequate documentation.

- ACORN Housing received a 3-year AmeriCorps grant in August of 1994, part of the Corporation's first year of making grants. Funding for the first year of operations was provided.
- ACORN Housing is a separate corporate entity from ACORN, the advocacy group. The Corporation received assurances that the two organizations were separate before awarding the grant, which was later confirmed by the Corporation's OIG.
- ACORN Housing was slow in start-up of its grant program. Most AmeriCorps Members did not start until 1995.
- In March of 1995, allegations were made concerning protest activity by ACORN (not ACORN Housing). However, questions were raised as to whether Corporation's grant funds were misspent.
- The Corporation immediately asked OIG to review ACORN Housing activities related to the allegations.
- OIG investigated quickly, and also began to review costs charged to the grant.
- During the investigation, OIG received a hotline complaint about ACORN Housing's management of the AmeriCorps grant. The complaint was unrelated to previously raised issues.
- OIG quickly briefed Corporation management about the hotline complaint. The Corporation immediately cut-off access to federal funds, and issued a formal suspension of the grant on July 18, 1994.
- OIG issued subpoenas to follow up on the hotline allegations.
- On August 29, 1995 the Corporation and ACORN Housing agreed to terminate the grant effective September 1, 1995.
- After an audit of the full costs claimed under the grant, the Corporation determined that \$16,176 must be paid back.
- After final determination, the Corporation collected the \$16,176 from ACORN Housing.



**Chronology of Events Related to ACORN Housing's AmeriCorps Grant**

- 8/22/1994 Corporation issues grant 94ADNIL001 to ACORN Housing Corporation (\$944,961 for the period of June 24, 1994 to September 30, 1995)
- 1/1/1995 Most of ACORN Housing AmeriCorps members begin their terms of service
- 3/6/1995 ACORN (Not the Corporation's grantee) participates in a demonstration that interrupts and address by the Speaker of the House
- 3/7/1995 Corporation obtains statement from ACORN Housing that no AmeriCorps members participated in the demonstration and that ACORN Housing was not involved. Corporation subsequently asks OIG to investigate incident.
- 4/20/1995 OIG begins audit of ACORN Housing's performance of grant
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- 7/18/1995 Corporation formally suspends the ACORN Housing Grant
- 8/1/1995 OIG issues Audit Report 95-17 Audit of ACORN Housing Corporation. This report reports concerns about documentation of claimed grant costs on the first to Financial Status Reports and recommends a full audit of the costs incurred under the grant
- 8/29/1995 ACORN Housing and Corporation agree to termination of the grant effective September 1, 1995
- 12/7/1995 OIG Issues Audit Report 96-21. This is a audit of all funds claimed by ACORN Housing under its grant (June 24, 1994 to September 1, 1995). Audit questions \$87,556 of \$752,565 in costs claimed by the grantee.
- 2/18/1998 Corporation issues a management decision disallowing \$52,068 of ACORN Housing's claimed costs.
- 3/20/1998 ACORN Housing appeals the Corporation management decision
- 4/16/1999 Corporation issues decision on appeal
- 5/3/1999 ACORN Housing pays full amount of debt established by Corporation in appeal decision

Doug Hilton  
Associate General Counsel  
202-606-6892

5/24/2009



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**Trinity, Frank**

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**From:** Washburn, Susannah  
**Sent:** Thursday, March 19, 2009 3:32 PM  
**To:** Trinity, Frank  
**Cc:** Goren, Nicola; McSwain, Kristin; Anderson, William; Scott, Sandy  
**Subject:** RE: ACORN

Thanks Frank.

Also, if you think it would be helpful, you could let WH know that Eric, Steve, Gov Racicot could talk with Senate Repubs on this issue.

Susannah Washburn  
Senior Advisor  
Office of Research and Policy Development  
Corporation for National and Community Service  
202-606-6740  
[www.nationalservice.gov](http://www.nationalservice.gov)

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**From:** Trinity, Frank  
**Sent:** Thursday, March 19, 2009 3:19 PM  
**To:** 'Monje, Carlos A.'  
**Cc:** Goren, Nicola; McSwain, Kristin; Anderson, William; Washburn, Susannah; Scott, Sandy  
**Subject:** ACORN

**Talking Points**

- In 1995, the first year of the AmeriCorps program, ACORN Housing – a separate organization from ACORN – received a grant to provide housing counseling to low-income individuals.
- Based on information provided by the Corporation's Inspector General that the two organizations had not maintained appropriate separation, the Corporation suspended the grant.
- Thereafter, the grant was terminated and ACORN repaid the Federal government were unallowable costs.

Summary: The initial allegations of misuse of Corporation grant funds were baseless. However, through the prompt, diligent and thorough actions of the Corporation' OIG and the Corporation, a new hotline complaint was received, quickly acted on, and the award was terminated. The federal funds claimed by ACORN Housing were audited, and they repaid the full amount that the Corporation determined was not supported by adequate documentation.

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**Holland, Austin**

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**From:** McSwain, Kristin  
**Sent:** Monday, June 01, 2009 12:33 PM  
**To:** Holland, Austin  
**Subject:** FW: acorn

FOI request

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**From:** McSwain, Kristin  
**Sent:** Saturday, March 21, 2009 8:30 PM  
**To:** Trinity, Frank; 'Emma\_Vadehra@help.senate.gov'  
**Subject:** Re: acorn

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**To:** McSwain, Kristin; Trinity, Frank  
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Emma

6/1/2009



**Holland, Austin**

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FOIA

-----Original Message-----

**From:** McSwain, Kristin  
**Sent:** Thursday, March 12, 2009 9:23 AM  
**To:** Trinity, Frank  
**Subject:** ACORN

Confirmed this morning the last ACORN of record was an American Humanics member placed in a partnership agreement in 1997.



**Holland, Austin**

**From:** McSwain, Kristin  
**Sent:** Monday, June 01, 2009 12:35 PM  
**To:** Holland, Austin  
**Subject:** FW: ACORN- ASAP

FOIA

**From:** McSwain, Kristin  
**Sent:** Thursday, March 12, 2009 8:28 AM  
**To:** Davis, Paul; Nembhard, Lois  
**Subject:** Re: ACORN- ASAP

Is that a VISTA ND or is the a S/N? If it is open can you tell me more about the status please?

**From:** Davis, Paul  
**To:** McSwain, Kristin; Nembhard, Lois  
**Sent:** Thu Mar 12 08:24:33 2009  
**Subject:** RE: ACORN- ASAP  
 Here is what is in eGrants: One closed, one open National Direct...

GRNT_ID	CRPP_CD	SUPP_MECH_CD	STATUS_CD	NAME	CITY
97ND016770	NATL	94ADNIL001	CLOSED	ACORN Housing Corporation	Chicago
04ND066385	NATL	04NDHMO0010025	AWARDED	Detroit ACORN	Detroit

Paul Davis

AmeriCorps VISTA (Volunteers in Service to America)

202-606-6608

-----Original Message-----

**From:** McSwain, Kristin  
**Sent:** Thursday, March 12, 2009 8:22 AM  
**To:** Nembhard, Lois; Davis, Paul  
**Subject:** Re: ACORN- ASAP

We ran a report in Dec. I think. Can you ask Daniel if he still has it. If not no worries.

Paul??

----- Original Message -----

**From:** Nembhard, Lois  
**To:** McSwain, Kristin; Davis, Paul

6/1/2009



Sent: Thu Mar 12 08:21:16 2009  
Subject: Re: ACORN- ASAP

S and N hasn't funded ACORN directly since before my time here. Don't know if they are a sub.

Lois Nembhard  
Deputy Director, AmeriCorps State & National  
Lnembhard@cns.gov  
(202) 606-6827

----- Original Message -----

From: McSwain, Kristin  
To: Nembhard, Lois; Davis, Paul  
Sent: Thu Mar 12 07:51:49 2009  
Subject: ACORN- ASAP

Would the two of you confirm ASAP that we do not fund ACORN. Thanks.



**Holland, Austin**

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**From:** McSwain, Kristin  
**Sent:** Monday, June 01, 2009 12:35 PM  
**To:** Holland, Austin  
**Subject:** FW: ACORN- ASAP

FOIA

-----Original Message-----

**From:** McSwain, Kristin  
**Sent:** Thursday, March 12, 2009 7:52 AM  
**To:** Nembhard, Lois; Davis, Paul  
**Subject:** ACORN- ASAP

Would the two of you confirm ASAP that we do not fund ACORN. Thanks.



**Holland, Austin**

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**From:** McSwain, Kristin  
**Sent:** Monday, June 01, 2009 12:35 PM  
**To:** Holland, Austin  
**Subject:** FW: Amy Jones Q re ACORN

FOIA

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**From:** McSwain, Kristin  
**Sent:** Wednesday, March 11, 2009 6:46 PM  
**To:** Trinity, Frank  
**Subject:** Re: Amy Jones Q re ACORN

We just did a check for the drop of the last bill and have made no new awards since then. I think it is safe to say they are no longer funded but I can dig the info out of my email in the morning if you like. If it needs to be tonight, I can be back at the office by 9.

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**From:** Trinity, Frank  
**To:** McSwain, Kristin  
**Sent:** Wed Mar 11 18:36:18 2009  
**Subject:** Amy Jones Q re ACORN

As you anticipated, ACORN has come up in some discussions. Amy wanted to know if we could confirm that we don't currently give them any grants. She check their website and they apparently say they don't receive any Federal grants. But she wanted to double-check. Is that doable? If it's too arduous, I can let her know that and give her my very high level of confidence that we don't.

Frank R. Trinity  
General Counsel  
Corporation for National and Community Service  
202-606-6677 (direct)

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